

**DIVERSIFIED CONTRACTORS, INC.  
(MOORHEAD ELECTRIC INC.  
SUBCONTRACTOR),**

Appellant

**Representing the Subcontractor:**

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**Representing the Government:**

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**AGBCA No. 1999-191-1**

**DECISION OF THE BOARD OF CONTRACT APPEALS**

June 13, 2000

**Before HOURY, POLLACK, and WESTBROOK, Administrative Judges.**

**Opinion for the Board by Administrative Judge HOURY.**

This appeal arose under Contract No. 50-82HW-8-15 between the Agricultural Research Service (ARS), U. S. Department of Agriculture (USDA), and Diversified Contractors, Inc., of Fargo, North Dakota (Appellant). The contract was for restoration of the Vivarium Area at the ARS Grand Forks Human Nutrition Research Center in Grand Forks, North Dakota.

After award, Appellant's electrical subcontractor, Moorhead Electric Inc., allegedly discovered that the plans and specifications it had sent omitted a drawing requiring the replacement of lighting fixtures. Appellant filed a claim for the unanticipated work of its subcontractor, which was denied by the Contracting Officer (CO). The subcontractor filed an appeal.

The Government filed a Motion to Dismiss on the basis that the subcontractor had not been authorized to appeal. The Board denied the Government's Motion. Diversified Contractors, Inc., AGBCA No. 1999-191-1, 00-1 BCA ¶ 30,586. The Board convened a conference call to, among other things, encourage settlement.

By letter dated May 10, 2000, Appellant filed a Motion to Dismiss With Prejudice based on a settlement of the appeal.

**DECISION**

The appeal is dismissed as settled.

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**EDWARD HOURY**  
Administrative Judge

**Concurring:**

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**HOWARD A. POLLACK**  
Administrative Judge

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**ANNE W. WESTBROOK**  
Administrative Judge

**Issued at Washington, D.C.**  
**June 13, 2000**